

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ADOLPHUS GOSSETT, Y17397

Plaintiff,)
)
)
vs.)
)
)
ROXANNE MCDONALD, ANDY STOUT, AND MICHAEL DEAN,)
)
)
Defendants.)
)

Case No. 20-cv-943-RJD

ORDER

DALY, Magistrate Judge:

This matter is before the Court on Plaintiff's Motion for Default Judgment against Defendant Michael Dean (Doc. 50) and Motion for Preliminary Injunction (Doc. 51). Defendants McDonald and Stout did not respond to either motion.

Motion for Default Judgment

The Court issued a Waiver of Service to Defendant Michael Dean on January 7, 2022 (Doc. 18). Defendant Dean executed the waiver and returned it to the Court on February 4, 2022; his answer was due on March 8, 2022 (Doc. 21). As of today's date, Defendant Dean has not filed a motion, answer, or any other pleading in response to the Complaint. Plaintiff has filed three Motions for Default Judgment against Defendant Dean. The first two were denied because Plaintiff failed to mail the motion via U.S. Postal Service to the Illinois Attorney General's Office, as required by Local Rule 55.1(b). Docs. 47 and 40.

Plaintiff then filed his Third Motion for Default Judgment against Michael Dean. Doc. 50. Once again, his Certificate of Service reflects that he did not mail the motion via U.S. Postal Service to the Illinois Attorney General's Office. Plaintiff's Third Motion for Default Judgment is therefore DENIED because Plaintiff did not follow the very explicit orders issued by the

undersigned. The Court had warned Plaintiff that his claim against Michael Dean would be dismissed with prejudice if he did not mail the motion to the Illinois Attorney General's Office. However, since Plaintiff filed this Motion, the Local Rules have been revised. Local Rule 55.1 no longer exists, and Plaintiff is not required to mail the motion via U.S. Postal Service. The Court declines to dismiss Plaintiff's claim based upon a defunct rule. Plaintiff may renew his Motion for Default Judgment after the liability of Defendants Stout and McDonald has been resolved, either through summary judgment or trial. *See In Re Uranium Antitrust Litigation*, 617 F.2d 1248, 1262 (7th Cir. 1980) (damages against defaulters should be determined at same time as answering defendants).

Motion for Preliminary Injunction

Plaintiff's claims in this case involve an altercation that occurred between him and Defendant Dean at Lawrence Correctional Center. Plaintiff alleges that after the altercation, Defendants Stout and McDonald used excessive force against him as they transported him to the healthcare unit and interfered with a nurse who was attempting to draw his blood in the health care unit. Plaintiff was then transferred to Pontiac Correctional Center, and subsequently transferred to Menard Correctional Center. Docs. 1, 49.

In his "Motion for Preliminary Injunction" (Doc. 51), Plaintiff contends that he was not receiving this Court's orders in a timely manner at Menard Correctional Center. Injunctive relief can only be granted if it involves "of the same character sought in the underlying suit, and deals with a matter presented in that underlying suit." *Devoe v. Harrington*, 42 F.3d 470, 471 (8th Cir. 1994) (*per curiam*). As Plaintiff's request for injunctive relief involves issues that are entirely unrelated to this lawsuit, his Motion is DENIED. Moreover, a review of the docket reflects that since filing his Motion for Preliminary Injunction, Plaintiff generally complied with the Court's deadlines.

IT IS SO ORDERED.

DATED: March 26, 2024

s/ Reona J. Daly

Hon. Reona J. Daly
United States Magistrate Judge